



# House of Commons

Thursday 7 July 2016

## PUBLIC BILL COMMITTEE PROCEEDINGS

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### FINANCE BILL

[FIFTH AND SIXTH SITTINGS]

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*Clauses 111 to 114 agreed to.*

Roger Mullin

Clause 115, page 162, line 8, leave out from “liners” to end of line 9 *Withdrawn 1*

Roger Mullin

Clause 115, page 162, line 10, at end insert— *Not called 2*  
 “(d) products that are designed, and marketed, as being solely for use for absorbing breastmilk”.

Paula Sherriff  
 Rob Marris  
 Rebecca Long Bailey

Clause 115, page 162, line 14, after “ after” insert “1 April 2017, or on any prior” *Not called 5*

*Clause agreed to.*

*Clause 116 agreed to.*

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Mr David Gauke

Clause 117, page 167, line 20, leave out from beginning to “at” *Agreed to 29*

Mr David Gauke

Clause 117, page 167, line 21, at end insert “meet conditions A, B and C” *Agreed to 30*

**Finance Bill, continued**

Mr David Gauke

*Agreed to 31*

Clause 117, page 167, line 22, leave out “Condition A is that the portion” and insert “A purchased dwelling meets condition A if the amount”

Mr David Gauke

*Agreed to 32*

Clause 117, page 167, line 25, leave out “Condition B is that” and insert “A purchased dwelling meets condition B if”

Mr David Gauke

*Agreed to 33*

Clause 117, page 167, line 30, at end insert—

- “(4) A purchased dwelling meets condition C if it is not subsidiary to any of the other purchased dwellings.
- (5) One of the purchased dwellings (“dwelling A”) is subsidiary to another of the purchased dwellings (“dwelling B”) if—
  - (a) dwelling A is situated within the grounds of, or within the same building as, dwelling B, and
  - (b) the amount of the chargeable consideration for the transaction which is attributable on a just and reasonable basis to dwelling B is equal to, or greater than, two thirds of the amount of the chargeable consideration for the transaction which is attributable on a just and reasonable basis to the following combined—
    - (i) dwelling A,
    - (ii) dwelling B, and
    - (iii) each of the other purchased dwellings (if any) which are situated within the grounds of, or within the same building as, dwelling B.”

Mr David Gauke

*Agreed to 34*

Clause 117, page 167, line 36, leave out from beginning to “one” and insert “only”

Mr David Gauke

*Agreed to 35*

Clause 117, page 167, line 37, after “dwellings” insert “meets conditions A, B and C”

Mr David Gauke

*Agreed to 36*

Clause 117, page 167, line 38, leave out from “dwelling” to “is” in line 39 and insert “which meets those conditions”

Mr David Gauke

*Agreed to 37*

Clause 117, page 167, line 48, at end insert—

- “( ) Sub-paragraphs (2) to (5) of paragraph 5 apply for the purposes of sub-paragraph (1)(c) of this paragraph as they apply for the purposes of sub-paragraph (1)(c) of that paragraph.”

**Finance Bill, continued**

Mr David Gauke

Clause 117, page 168, line 9, leave out from beginning to “at”

*Agreed to* 38

Mr David Gauke

Clause 117, page 168, line 10, at end insert “meets conditions A and B.

*Agreed to* 39

- (1) Sub-paragraphs (2) and (3) of paragraph 5 apply for the purposes of sub-paragraph (1)(c) of this paragraph as they apply for the purposes of sub-paragraph (1)(c) of that paragraph.”

Mr David Gauke

Clause 117, page 171, line 8, at end insert—

*Agreed to* 40*“Alternative finance arrangements*

- 14A (1) This paragraph applies in relation to a chargeable transaction which is the first transaction under an alternative finance arrangement entered into between a person and a financial institution.
- (2) The person (rather than the institution) is to be treated for the purposes of this Schedule as the purchaser in relation to the transaction.
- (3) In this paragraph—
- “alternative finance arrangement” means an arrangement of a kind mentioned in section 71A(1) or 73(1);
- “financial institution” has the meaning it has in those sections (see section 73BA);
- “first transaction”, in relation to an alternative finance arrangement, has the meaning given by section 71A(1)(a) or (as the case may be) section 73(1)(a)(i).”

Mr David Gauke

Clause 117, page 173, line 23, at end insert—

*Agreed to* 41*“Power to modify this Schedule*

- 18 (1) The Treasury may by regulations amend or otherwise modify this Schedule for the purpose of preventing certain chargeable transactions from being higher rates transactions for the purposes of paragraph 1.
- (2) The provision which may be included in regulations under this paragraph by reason of section 114(6)(c) includes incidental or consequential provision which may cause a chargeable transaction to be a higher rates transaction for the purposes of paragraph 1.”

Mr David Gauke

Clause 117, page 174, line 7, at end insert—

*Agreed to* 42

- “( ) Paragraph 14A of Schedule 4ZA to FA 2003 does not apply in relation to a land transaction of which the effective date is, or is before, the date on which this Act is passed if the effect of its application would be that the transaction is a higher rates transaction for the purposes of paragraph 1 of that Schedule.”

*Clause, as amended, agreed to.*

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**Finance Bill, continued**

*Clauses 118 to 122 agreed to.*

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*Schedule 16 agreed to.*

*Clauses 123 to 128 agreed to.*

*Clauses 130 and 131 agreed to.*

*Clauses 137 to 141 agreed to.*

*Schedule 17 agreed to.*

*Clauses 142 and 143 agreed to.*

*Clause 155 agreed to.*

*Schedule 23 agreed to.*

*Clauses 156 to 168 agreed to.*

*Schedule 24 agreed to.*

*Clauses 169 to 172 agreed to.*

Rob Marris  
John McDonnell  
Rebecca Long Bailey

*Not called 140*

Schedule 25, page 569, line 2, at end insert “, subject to subsection (4A).

(4A) The chair of the OTS will be appointed by the Chancellor of the Exchequer with the consent of the Treasury Committee of the House of Commons.”

Rob Marris  
John McDonnell  
Rebecca Long Bailey

*Not called 141*

Schedule 25, page 570, line 21, leave out from “considers” to end of line 22 and insert “sufficient for the OTS to fulfil its duties.”

*Schedule agreed to.*

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Finance Bill, *continued*

Rob Marris  
John McDonnell  
Rebecca Long Bailey

Clause 173, page 254, line 32, after “contributions” insert “and tax reliefs” *Not called* 142

*Clause agreed to.*

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Rob Marris  
John McDonnell  
Rebecca Long Bailey

Clause 174, page 254, line 37, after “Exchequer” insert “or as the OTS considers appropriate” *Not called* 137

Rob Marris  
John McDonnell  
Rebecca Long Bailey

Clause 174, page 255, line 4, leave out “Chancellor of the Exchequer” and insert “OTS” *Not called* 138

*Clause agreed to.*

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Rob Marris  
John McDonnell  
Rebecca Long Bailey

Clause 175, page 255, line 17, leave out “Chancellor of the Exchequer” and insert “OTS” *Not called* 139

*Clause agreed to.*

*Clauses 176 to 179 agreed to.*

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Finance Bill, *continued*

## NEW CLAUSES

Mr David Gauke

*Added NC7*

To move the following Clause—

**“Receipts from intellectual property: diverted profits tax**

- (1) Part 3 of FA 2015 (diverted profits tax) is amended as follows.
- (2) In section 79 (charge to tax), at the end insert—
  - “(6) But banking surcharge profits and notional banking surcharge profits, to the extent that they are determined by reference to notional PE profits (or what would have been notional PE profits) for an accounting period, do not include any amount which is (or would have been) included in notional PE profits for that period by virtue of section 88(5)(b).”
- (3) In section 88 (which relates to the calculation of taxable diverted profits), for subsection (5) substitute—
  - “(5) “Notional PE profits”, in relation to an accounting period, means an amount equal to the sum of—
    - (a) the amount of profits (if any) which would have been the chargeable profits of the foreign company for that period, attributable (in accordance with sections 20 to 32 of CTA 2009) to the avoided PE, had the avoided PE been a permanent establishment in the United Kingdom through which the foreign company carried on the trade mentioned in section 86(1)(b), and
    - (b) an amount equal to the total of royalties or other sums which are paid by the foreign company during that period in connection with that trade in circumstances where the payment avoids the application of section 906 of ITA 2007 (duty to deduct tax).
  - (5A) For the purposes of subsection (5)(b) a payment of a royalty or other sum avoids the application of section 906 of ITA 2007 if—
    - (a) that section does not apply in relation to the payment, but
    - (b) that section would have applied in relation to the payment had the avoided PE been a permanent establishment in the United Kingdom through which the foreign company carried on the trade mentioned in section 86(1)(b).”
- (4) In section 100 (credit for UK or foreign tax on same profits), for the heading substitute “Credits for tax on the same profits”.
- (5) In section 100, after subsection (2) insert—
  - “(2A) Subsection (2)(b) does not allow a credit against a liability to diverted profits tax if or to the extent that the liability arises by virtue of section 88(5)(b) (payments of royalties etc).”
- (6) In section 100, after subsection (4) insert—
  - “(4A) Subsection (4B) applies where—
    - (a) a company’s notional PE profits for an accounting period include an amount under section 88(5)(b) determined by reference to a royalty or other sum,
    - (b) the company’s liability to diverted profits tax for the accounting period is determined by reference to taxable diverted profits calculated under section 91(4) or (5), and

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**Finance Bill, continued**

- (c) those taxable diverted profits include an amount of relevant taxable income referred to in section 91(4)(b) or (5)(b) determined by reference to the same royalty or other sum.
  - (4B) A credit equal to the company's liability to diverted profits tax for that accounting period which arises by virtue of section 88(5)(b) in respect of the royalty or other sum, to the extent that it is included in relevant taxable income for the purposes of section 91(4)(b) or (5)(b), is allowed against the company's total liability to diverted profits tax for that period.
  - (4C) Subsection (4D) applies where—
    - (a) by reason of the payment of a royalty or other sum a company's liability to diverted profits tax for an accounting period includes liability arising by virtue of section 88(5)(b),
    - (b) the royalty or other sum is paid to a person who is resident in a country or territory outside the United Kingdom, and
    - (c) under any relevant provision relief would have been due to that person had the avoided PE been a permanent establishment in the United Kingdom through which the company carried on the trade mentioned in section 86(1)(b).
  - (4D) Such credit as is just and reasonable having regard to the amount of the relief referred to in subsection (4C)(c) is allowed against the company's liability to diverted profits tax.
  - (4E) In subsection (4C)(c) "relevant provision" means—
    - (a) the provision of a double taxation arrangement (as defined by section 2(4) of TIOPA 2010), or
    - (b) section 758 of ITTOIA 2005 (exemption for certain interest and royalty payments)."
  - (7) The amendments made by this section have effect in relation to accounting periods ending on or after 28 June 2016.
  - (8) For the purposes of section 88(5)(b) of FA 2015 as inserted by this section, a royalty or other sum which would not otherwise be regarded as paid during an accounting period ending on or after 28 June 2016 is to be regarded as so paid if—
    - (a) for the purposes of section 906 of ITA 2007 it is regarded as paid on a date during that period by virtue of section (*deduction of income tax at source: intellectual property*)(6), or
    - (b) for the purposes of section 577A(1) of ITTOIA 2005 it is regarded as paid on a date during that period by virtue of section (*receipts from intellectual property: territorial scope*)(5)."
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Finance Bill, *continued*

Mr David Gauke

*Added* NC8

To move the following Clause—

**“Deduction of income tax at source: intellectual property**

- (1) Part 15 of ITA 2007 (deduction from other payments connected with intellectual property) is amended as specified in subsections (2) and (3).
- (2) In section 906 (certain royalties etc where usual place of abode of owner is abroad), for subsections (1) to (3) substitute—
  - “(1) This section applies to any payment made in a tax year where condition A or condition B is met.
  - (2) Condition A is that—
    - (a) the payment is a royalty, or a payment of any other kind, for the use of, or the right to use, intellectual property (see section 907),
    - (b) the usual place of abode of the owner of the intellectual property is outside the United Kingdom, and
    - (c) the payment is charged to income tax or corporation tax.
  - (3) Condition B is that—
    - (a) the payment is a payment of sums payable periodically in respect of intellectual property,
    - (b) the person entitled to those sums (“the assignor”) assigned the intellectual property to another person,
    - (c) the usual place of abode of the assignor is outside the United Kingdom, and
    - (d) the payment is charged to income tax or corporation tax.”
- (3) For section 907 substitute—

**“907 Meaning of “intellectual property”**

- (1) In section 906 “intellectual property” means—
  - (a) copyright of literary, artistic or scientific work,
  - (b) any patent, trade mark, design, model, plan, or secret formula or process,
  - (c) any information concerning industrial, commercial or scientific experience, or
  - (d) public lending right in respect of a book.
- (2) In this section “copyright of literary, artistic or scientific work” does not include copyright in—
  - (a) a cinematographic film or video recording, or
  - (b) the sound-track of a cinematographic film or video recording, except so far as it is separately exploited.”
- (4) The amendments made by subsections (2) and (3) have effect in respect of payments made on or after 28 June 2016.
- (5) In determining whether section 906 of ITA 2007 applies to a payment, no regard is to be had to any arrangements the main purpose of which, or one of the main purposes of which, is to avoid the effect of the amendments made by this section.
- (6) Where arrangements are disregarded under subsection (5) in relation to a payment which—
  - (a) is made before 28 June 2016, and
  - (b) is due on or after that day,



**Finance Bill, continued**

the payment is to be regarded for the purposes of section 906 of ITA 2007 as made on the date on which it is due.

- (7) In determining the date on which a payment is due for the purposes of subsection (6), disregard the arrangements referred to in that subsection.
- (8) In this section “arrangements” includes any agreement, understanding, scheme, transaction or series of transactions (whether or not legally enforceable and whether entered into before, or on or after, 28 June 2016).”

Mr David Gauke

*Added* NC9

To move the following Clause—

**“Receipts from intellectual property: territorial scope**

- (1) In section 577 of ITTOIA 2005 (territorial scope of Part 5 charges), at the end insert—
  - “(5) See also section 577A (territorial scope of Part 5 charges: receipts from intellectual property).”
- (2) After that section insert—

**“577A Territorial scope of Part 5 charges: receipts from intellectual property**

- (1) References in section 577 to income which is from a source in the United Kingdom include income arising where—
  - (a) a royalty or other sum is paid in respect of intellectual property by a person who is non-UK resident, and
  - (b) the payment is made in connection with a trade carried on by that person through a permanent establishment in the United Kingdom.
- (2) Subsection (3) applies where a royalty or other sum is paid in respect of intellectual property by a person who is non-UK resident in connection with a trade carried on by that person only in part through a permanent establishment in the United Kingdom.
- (3) The payment referred to in subsection (2) is to be regarded for the purposes of subsection (1)(b) as made in connection with a trade carried on through a permanent establishment in the United Kingdom to such extent as is just and reasonable, having regard to all the circumstances.
- (4) In determining for the purposes of section 577 whether income arising is from a source in the United Kingdom, no regard is to be had to arrangements the main purpose of which, or one of the main purposes of which, is to avoid the effect of the rule in subsection (1).
- (5) In this section—
 

“arrangements” includes any agreement, understanding, scheme, transaction or series of transactions (whether or not legally enforceable);

“intellectual property” has the same meaning as in section 579;

**Finance Bill, *continued***

“permanent establishment”—

- (a) in relation to a company, is to be read (by virtue of section 1007A of ITA 2007) in accordance with Chapter 2 of Part 24 of CTA 2010, and
  - (b) in relation to any other person, is to be read in accordance with that Chapter but as if references in that Chapter to a company were references to that person.”
- (3) The amendments made by subsections (1) and (2) have effect in relation to royalties or other sums paid in respect of intellectual property on or after 28 June 2016.
- (4) It does not matter for the purposes of subsection (4) of section 577A of ITTOIA 2005 (as inserted by this section) whether the arrangements referred to in that subsection are entered into before, or on or after, 28 June 2016.
- (5) Where arrangements are disregarded under subsection (4) of section 577A of ITTOIA 2005 (as inserted by this section) in relation to a payment of a royalty or other sum which—
- (a) is made before 28 June 2016, but
  - (b) is due on or after that day,
- the payment is to be regarded for the purposes of subsection (1) of that section as made on the date on which it is due.
- (6) In determining the date on which a payment is due for the purposes of subsection (5), disregard the arrangements referred to in that subsection.
- (7) Where—
- (a) an intellectual property royalty payment within the meaning of section 917A of ITA 2007 is made on or after 28 June 2016,
  - (b) the payment is made under arrangements (within the meaning of that section) entered into before that day,
  - (c) the arrangements are not DTA tax avoidance arrangements for the purposes of that section,
  - (d) it is reasonable to conclude that the main purpose, or one of the main purposes, of the arrangements was to obtain a tax advantage by virtue of any provisions of a foreign double taxation arrangement, and
  - (e) obtaining that tax advantage is contrary to the object and purpose of those provisions,
- the arrangements are to be regarded as DTA tax avoidance arrangements for the purposes of section 917A of ITA 2007 in relation to the payment.
- (8) In subsection (7)—
- “foreign double taxation arrangement” means an arrangement made by two or more territories outside the United Kingdom with a view to affording relief from double taxation in relation to tax chargeable on income (with or without other tax relief);
- “tax advantage” is to be construed in accordance with section 208 of FA 2013 but as if references in that section to “tax” were references to tax chargeable on income under the law of a territory outside the United Kingdom.
- (9) Where—
- (a) a royalty is paid on or after 28 June 2016,
  - (b) the right in respect of which the royalty is paid was created or assigned before that day,
  - (c) section 765(2) of ITTOIA 2005 does not apply in relation to the payment, and

**Finance Bill, continued**

- (d) it is reasonable to conclude that the main purpose, or one of the main purposes, of any person connected with the creation or assignment of the right was to take advantage, by means of that creation or assignment, of the law of any territory giving effect to Council Directive 2003/49/EC of 3rd June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different member States,  
section 758 of ITTOIA 2005 does not apply in relation to the payment.”

Mr David Gauke

*Added NC10*

To move the following Clause—

**“Stamp duty: acquisition of target company’s share capital**

- (1) Section 77 of FA 1986 (acquisition of target company’s share capital) is amended as follows.
- (2) In subsection (3), omit the “and” at the end of paragraph (g) and after paragraph (h) insert “, and
  - (i) at the time the instrument mentioned in subsection (1) is executed there are no disqualifying arrangements, within the meaning given by section 77A, in existence.”
- (3) In subsection (3A) for “(3)” substitute “(3)(b) to (h)”.
- (4) In subsection (4) after “this section” insert “and section 77A”.
- (5) After section 77 of FA 1986 insert—

**“77A Disqualifying arrangements**

- (1) This section applies for the purposes of section 77(3)(i).
- (2) Arrangements are “disqualifying arrangements” if it is reasonable to assume that the purpose, or one of the purposes, of the arrangements is to secure that—
  - (a) a particular person obtains control of the acquiring company, or
  - (b) particular persons together obtain control of that company.
- (3) But neither of the following are disqualifying arrangements—
  - (a) the arrangements for the issue of shares in the acquiring company which is the consideration for the acquisition mentioned in section 77(3);
  - (b) any relevant merger arrangements.
- (4) In subsection (3) “relevant merger arrangements” means arrangements for the issue of shares in the acquiring company to the shareholders of a company (“company B”) other than the target company (“company A”) in a case where—
  - (a) that issue of shares to the shareholders of company B would be the only consideration for the acquisition by the acquiring company of the whole of the issued share capital of company B,
  - (b) the conditions in section 77(3)(c) and (e) would be met in relation to that acquisition (if that acquisition were made in accordance with the arrangements), and

**Finance Bill, continued**

- (c) the conditions in paragraphs (f) to (h) of section 77(3) would be met in relation to that acquisition if—
- (i) that acquisition were made in accordance with the arrangements, and
  - (ii) the shares in the acquiring company issued as consideration for the acquisition of the share capital of company A were ignored for the purposes of those paragraphs;
- and in section 77(3)(e) to (h) and (3A) as they apply by virtue of this subsection, references to the target company are to be read as references to company B.
- (5) Where—
- (a) arrangements within any paragraph of subsection (3) are part of a wider scheme or arrangement, and
  - (b) that scheme or arrangement includes other arrangements which—
    - (i) fall within subsection (2), and
    - (ii) do not fall within any paragraph of subsection (3),
 those other arrangements are disqualifying arrangements despite anything in subsection (3).
- (6) In this section—
- “the acquiring company” has the meaning given by section 77(1);
- “arrangements” includes any agreement, understanding or scheme (whether or not legally enforceable);
- “control” is to be read in accordance with section 1124 of the Corporation Tax Act 2010;
- “the target company” has the meaning given by section 77(1).”
- (6) The amendments made by this section have effect in relation to any instrument executed on or after 29 June 2016 (and references to arrangements in any provision inserted by this section include arrangements entered into before that date).”

Mr David Gauke

*Added NC11*

To move the following Clause—

**“Corporation tax: territorial scope etc**

- (1) Section 5 of CTA 2009 (territorial scope of charge) is amended in accordance with subsections (2) to (4).
- (2) For subsection (2) substitute—
 

“(2) A non-UK resident company is within the charge to corporation tax only if—

  - (a) it carries on a trade of dealing in or developing UK land (see section 5B), or
  - (b) it carries on a trade in the United Kingdom (other than a trade of dealing in or developing UK land) through a permanent establishment in the United Kingdom.”

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**Finance Bill, *continued***

- (3) After subsection (2) insert—
- “(2A) A non-UK resident company which carries on a trade of dealing in or developing UK land is chargeable to corporation tax on all its profits wherever arising that are profits of that trade.”
- (4) In subsection (4), after “(1)” insert “, (2A)”.
- (5) After section 5 of CTA 2009 insert—

**“5A Arrangements for avoiding tax**

- (1) Subsection (3) applies if a company has entered into an arrangement the main purpose or one of the main purposes of which is to obtain a relevant tax advantage for the company.
- (2) In subsection (1) the reference to obtaining a relevant tax advantage includes obtaining a relevant tax advantage by virtue of any provisions of double taxation arrangements, but only in a case where the relevant tax advantage is contrary to the object and purpose of the provisions of the double taxation arrangements (and subsection (3) has effect accordingly, regardless of section 6(1) of TIOPA 2010).
- (3) The relevant tax advantage is to be counteracted by means of adjustments.
- (4) For this purpose adjustments may be made (whether by an officer of Revenue and Customs or by the company) by way of an assessment, the modification of an assessment, amendment or disallowance of a claim, or otherwise.
- (5) In this section “relevant tax advantage” means a tax advantage in relation to corporation tax to which the company is chargeable (or would without the tax advantage be chargeable) by virtue of section 5(2A).
- (6) In this section—
- “arrangement” (except in the phrase “double taxation arrangements”) includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable;
- “double taxation arrangements” means arrangements which have effect under section 2(1) of TIOPA 2010 (double taxation relief by agreement with territories outside the United Kingdom);
- “tax advantage” has the meaning given by section 1139 of CTA 2010.

**5B Trade of dealing in or developing UK land**

- (1) A non-UK resident company’s “trade of dealing in or developing UK land” consists of—
- (a) any activities falling within subsection (2) which it carries on, and
- (b) any activities from which profits, gains or losses arise which are treated under Part 8ZB of CTA 2010 as profits or losses of the company’s trade of dealing in or developing UK land.
- (2) The activities within this subsection are—
- (a) dealing in UK land;
- (b) developing UK land for the purpose of disposing of it.
- (3) In this section “land” includes—
- (a) buildings and structures,

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**Finance Bill, *continued***

- (b) any estate, interest or right in or over land, and
  - (c) land under the sea or otherwise covered by water.
- (4) In this section—  
“disposal” is to be interpreted in accordance with section 356OQ of CTA 2010;  
“UK land” means land in the United Kingdom.”
- (6) In section 3 of CTA 2009 (exclusion of charge to income tax), in subsection (1), for paragraph (b) substitute—  
“(b) the company is not UK resident and—  
(i) the income is profits of a trade of dealing in or developing UK land, or  
(ii) the income is within its chargeable profits as defined by section 19.”
- (7) In section 18A of CTA 2009 (exemption for profits or losses of foreign permanent establishments), after subsection (2) insert—  
“(2A) But profits and losses are not to be left out of account as mentioned in subsection (2) so far as they are, or would if the company were non-UK resident be, profits of the company’s trade of dealing in or developing UK land (as defined in section 5B).”
- (8) In section 19 of CTA 2009 (chargeable profits)—  
(a) in subsection (2) for “company’s chargeable profits” substitute “company’s “chargeable profits””;  
(b) after subsection (2) insert—  
“(2A) But the company’s “chargeable profits” do not include profits of a trade of dealing in or developing UK land (and accordingly such profits are not attributable to any permanent establishment of the company).”
- (9) In section 189 of CTA 2009 (post-cessation receipts: extent of charge to tax), in subsection (4), at the end insert “other than a company’s trade of dealing in or developing UK land”.
- (10) In section 107 of CTA 2010 (restrictions on losses etc surrenderable by non-UK resident), in subsection (1), for the words from “non-UK resident” to the end substitute “non-UK resident company—  
(a) carrying on a trade of dealing in or developing UK land, or  
(b) carrying on a trade in the United Kingdom through a permanent establishment.”
- (11) In section 1119 of CTA 2010 (definitions for purposes of Corporation Tax Acts), at the appropriate place insert—  
““trade of dealing in or developing UK land”, in relation to a non-UK resident company, has the meaning given by section 5B of CTA 2009.””
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**Finance Bill, continued**

Mr David Gauke

*Added* NC12

To move the following Clause—

**“Corporation tax: transactions in UK land**

- (1) In CTA 2010, after Part 8ZA insert—

“PART 8ZB

TRANSACTIONS IN UK LAND

*Introduction***356OA Overview of Part**

This Part contains provision about the corporation tax treatment of certain profits and gains realised from disposals concerned with land in the United Kingdom.

*Amounts treated as profits of a trade***356OB Disposals of land in the United Kingdom**

- (1) Section 356OC(1) applies (subject to subsection (3) of that section) if—
  - (a) a person within subsection (2)(a), (b) or (c) realises a profit or gain from a disposal of any land in the United Kingdom, and
  - (b) any of conditions A to D is met in relation to the land.
- (2) The persons referred to in subsection (1) are—
  - (a) the person acquiring, holding or developing the land,
  - (b) a person who is associated with the person in paragraph (a) at a relevant time, and
  - (c) a person who is a party to, or concerned in, an arrangement within subsection (3).
- (3) An arrangement is within this subsection if—
  - (a) it is effected with respect to all or part of the land, and
  - (b) it enables a profit or gain to be realised—
    - (i) by any indirect method, or
    - (ii) by any series of transactions.
- (4) Condition A is that the main purpose, or one of the main purposes, of acquiring the land was to realise a profit or gain from disposing of the land.
- (5) Condition B is that the main purpose, or one of the main purposes, of acquiring any property deriving its value from the land was to realise a profit or gain from disposing of the land.
- (6) Condition C is that the land is held as trading stock.
- (7) Condition D is that (in a case where the land has been developed) the main purpose, or one of the main purposes, of developing the land was to realise a profit or gain from disposing of the land when developed.

**Finance Bill, *continued***

- (8) In this section “relevant time” means any time in the period beginning when the activities of the project begin and ending 6 months after the disposal mentioned in subsection (1).
- (9) In this section “the project” means all activities carried out for any of the following purposes—
  - (a) the purposes of dealing in or developing the land, and
  - (b) any other purposes mentioned in Conditions A to D.
- (10) For the purposes of this section a person (“A”) is associated with another person (“B”) if—
  - (a) A is connected with B by virtue of any of subsections (5) to (7) of section 1122 (read in accordance with section 1123), or
  - (b) A is related to B (see section 356OT).

**356OC Disposals of land: profits treated as trading profits**

- (1) The profit or gain is to be treated for corporation tax purposes as profits of a trade carried on by the chargeable company (see section 356OG).
- (2) If the chargeable company is non-UK resident, that trade is the company’s trade of dealing in or developing UK land (as defined in section 5B of CTA 2009).
- (3) But subsection (1) does not apply to a profit or gain so far as it would (apart from this section) be brought into account as income in calculating profits (of any person)—
  - (a) for corporation tax purposes, or
  - (b) for income tax purposes.
- (4) The profits are treated as arising in the accounting period of the chargeable company in which the profit or gain is realised.
- (5) This section applies in relation to gains which are capital in nature as it applies in relation to other gains.

**356OD Disposals of property deriving its value from land in the United Kingdom**

- (1) Section 356OE applies (subject to subsection (3) of that section) if—
  - (a) a person realises a profit or gain from a disposal of any property which (at the time of the disposal) derives at least 50% of its value from land in the United Kingdom,
  - (b) the person is a party to, or concerned in, an arrangement concerning some or all of the land mentioned in paragraph (a) (“the project land”), and
  - (c) the arrangement meets the condition in subsection (2).
- (2) The condition is that the main purpose, or one of the main purposes, of the arrangement is to—
  - (a) deal in or develop the project land, and
  - (b) realise a profit or gain from a disposal of property deriving the whole or part of its value from that land.

**356OE Disposals within section 356OD: profits treated as trading profits**

- (1) The relevant amount is to be treated for corporation tax purposes as profits of a trade carried on by the chargeable company.



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**Finance Bill, *continued***

- (2) If the chargeable company is non-UK resident, that trade is the company's trade of dealing in or developing UK land.
- (3) But subsection (1) does not apply to an amount so far as it would (apart from this section) be brought into account as income in calculating profits (of any person)—
  - (a) for corporation tax purposes, or
  - (b) for income tax purposes.
- (4) The profits are treated as arising in the accounting period of the chargeable company in which the profit or gain is realised.
- (5) In this section the “relevant amount” means so much (if any) of the profit or gain mentioned in section 356OD(1) as is attributable, on a just and reasonable apportionment, to the relevant UK assets.
- (6) In this section “the relevant UK assets” means any land in the United Kingdom from which the property mentioned in section 356OD(1) derives any of its value (at the time of the disposal mentioned in that subsection).
- (7) This section applies in relation to gains which are capital in nature as it applies in relation to other gains.

**356OF Profits and losses**

- (1) Sections 356OB to 356OE have effect as if they included provision about losses corresponding to the provision they make about profits and gains.
- (2) Accordingly, in the following sections of this Part references to a “profit or gain” include a loss.

*Person to whom profits attributed***356OG The chargeable company**

- (1) For the purposes of sections 356OC and 356OE the general rule is that the “chargeable company” is the company (“C”) that realises the profit or gain (as mentioned in section 356OB(1) or 356OD(1)).
- (2) The general rule in subsection (1) is subject to the special rules in subsections (4) to (6).
- (3) But those special rules do not apply in relation to a profit or gain to which section 356OH(3) (fragmented activities) applies.
- (4) If all or any part of the profit or gain accruing to C is derived from value provided directly or indirectly by another person (“B”) which is a company, B is the “chargeable company”.
- (5) Subsection (4) applies whether or not the value is put at the disposal of C.
- (6) If all or any part of the profit or gain accruing to C is derived from an opportunity of realising a profit or gain provided directly or indirectly by another person (“D”) which is a company, D is “the chargeable company” (unless the case falls within subsection (4)).
- (7) For the meaning of “another person” see section 356OO.

**Finance Bill, continued***Anti-fragmentation***356OH Fragmented activities**

- (1) Subsection (3) applies if—
  - (a) a company (“C”) disposes of any land in the United Kingdom,
  - (b) any of conditions A to D in section 356OB is met in relation to the land, and
  - (c) a person (“R”) who is associated with C at a relevant time has made a relevant contribution to activities falling within subsection (2).
- (2) The following activities fall within this subsection—
  - (a) the development of the land,
  - (b) any other activities directed towards realising a profit or gain from the disposal of the land.
- (3) For the purposes of this Part, the profit or gain (if any) realised by C from the disposal is to be taken to be what that profit or gain would be if R were not a distinct person from C (and, accordingly, as if everything done by or in relation to R had been done by or in relation to C).
- (4) Subsection (5) applies to any amount which is paid (directly or indirectly) by R to C for the purposes of meeting or reimbursing the cost of corporation tax which C is liable to pay as a result of the application of subsection (3) in relation to R and C.
- (5) The amount—
  - (a) is not to be taken into account in calculating profits or losses of either R or C for the purposes of income tax or corporation tax, and
  - (b) is not for any purpose of the Corporation Tax Acts to be regarded as a distribution.
- (6) In subsection (1) “relevant time” means any time in the period beginning when the activities of the project begin and ending 6 months after the disposal.
- (7) For the purposes of this section any contribution made by R to activities falling within subsection (2) is a “relevant contribution” unless the profit made or to be made by R in respect of the contribution is insignificant having regard to the size of the project.
- (8) In this section “contribution” means any kind of contribution, including, for example—
  - (a) the provision of professional or other services, or
  - (b) a financial contribution (including the assumption of a risk).
- (9) For the purposes of this section R is “associated” with C if—
  - (a) R is connected with C by virtue of any of subsections (5) to (7) of section 1122 (read in accordance with section 1123), or
  - (b) R is related to C (see section 356OT).
- (10) In this section “the project” means all activities carried out for any of the following purposes—
  - (a) the purposes of dealing in or developing the land, and

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**Finance Bill, continued**

- (b) any other purposes mentioned in Conditions A to D in section 356OB.

*Calculation of profit or gain on disposal***356OI Calculation of profit or gain on disposal**

For the purposes of this Part, the profit or gain (if any) from a disposal of any property is to be calculated according to the principles applicable for calculating the profits of a trade under Part 3 of CTA 2009, subject to any modifications that may be appropriate (and for this purpose the same rules are to apply in calculating losses from a disposal as apply in calculating profits).

**356OJ Apportionments**

Any apportionment (whether of expenditure, consideration or any other amount) that is required to be made for the purposes of this Part is to be made on a just and reasonable basis.

*Arrangements for avoiding tax***356OK Arrangements for avoiding tax**

- (1) Subsection (3) applies if an arrangement has been entered into the main purpose or one of the main purposes of which is to enable a company to obtain a relevant tax advantage.
- (2) In subsection (1) the reference to obtaining a relevant tax advantage includes obtaining a relevant tax advantage by virtue of any provisions of double taxation arrangements, but only in a case where the relevant tax advantage is contrary to the object and purpose of the provisions of the double taxation arrangements (and subsection (3) has effect accordingly, regardless of anything in section 6(1) of TIOPA 2010).
- (3) The tax advantage is to be counteracted by means of adjustments.
- (4) For this purpose adjustments may be made (whether by an officer of Revenue and Customs or by the company) by way of an assessment, the modification of an assessment, amendment or disallowance of a claim, or otherwise.
- (5) In this section “relevant tax advantage” means a tax advantage in relation to corporation tax charged (or which would, if the tax advantage were not obtained, be charged) in respect of amounts treated as profits of a trade by virtue of this Part.
- (6) In this section—
  - “double taxation arrangements” means arrangements which have effect under section 2(1) of TIOPA 2010 (double taxation relief by agreement with territories outside the United Kingdom);
  - “tax advantage” has the meaning given by section 1139.

**Finance Bill, *continued****Exemption***356OL Profits attributable to period before relevant activities etc began**

- (1) Subsection (2) applies if—
  - (a) subsection (1) of section 356OC applies because Condition D in section 356OB is met (land developed with purpose of realising a gain from its disposal when developed), and
  - (b) part of the profit or gain mentioned in that subsection is fairly attributable to a period before the intention to develop was formed.
- (2) Section 356OC(1) has effect as if the person mentioned in section 356OB(1) had not realised that part of the profit or gain.
- (3) Subsection (4) applies if—
  - (a) section 356OE(1) applies, and
  - (b) part of the profit or gain mentioned in section 356OE(5) is fairly attributable to a period before the person mentioned in section 356OD(1) was a party to, or concerned in, the arrangement in question.
- (4) Section 356OE has effect as if the person had not realised that part of the profit or gain.
- (5) In applying this section account must be taken of the treatment under Part 3 of CTA 2009 (trading income) of a company which appropriates land as trading stock.

*Other supplementary provisions***356OM Tracing value**

- (1) This section applies if it is necessary to determine the extent to which the value of any property or right is derived from any other property or right for the purposes of this Part.
- (2) Value may be traced through any number of companies, partnerships, trusts and other entities or arrangements.
- (3) The property held by a company, partnership or trust must be attributed to the shareholders, partners, beneficiaries or other participants at each stage in whatever way is appropriate in the circumstances.
- (4) In this section—
 

“partnership” includes an entity established under the law of a country or territory outside the United Kingdom of a similar nature to a partnership; and “partners”, in relation to such arrangements, is to be construed accordingly;

“trust” includes arrangements—

  - (a) which have effect under the law of a country or territory outside the United Kingdom; and
  - (b) under which persons acting in a fiduciary capacity hold and administer property on behalf of other persons,

and “beneficiaries”, in relation to such arrangements, is to be construed accordingly.

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**Finance Bill, *continued*****356ON Relevance of transactions, arrangements, etc**

- (1) In determining whether section 356OC(1) or 356OE(1) applies, account is to be taken of any method, however indirect, by which—
  - (a) any property or right is transferred or transmitted, or
  - (b) the value of any property or right is enhanced or diminished.
- (2) Accordingly—
  - (a) the occasion of the transfer or transmission of any property or right, however indirect, and
  - (b) the occasion when the value of any property or right is enhanced, may be an occasion on which section 356OC(1) or 356OE(1) applies.
- (3) Subsections (1) and (2) apply in particular—
  - (a) to sales, contracts and other transactions made otherwise than for full consideration or for more than full consideration,
  - (b) to any method by which any property or right, or the control of any property or right, is transferred or transmitted by assigning—
    - (i) share capital or other rights in a company,
    - (ii) rights in a partnership, or
    - (iii) an interest in settled property,
  - (c) to the creation of an option affecting the disposition of any property or right and the giving of consideration for granting it,
  - (d) to the creation of a requirement for consent affecting such a disposition and the giving of consideration for granting it,
  - (e) to the creation of an embargo affecting such a disposition and the giving of consideration for releasing it, and
  - (f) to the disposal of any property or right on the winding up, dissolution or termination of a company, partnership or trust.

*Interpretation***356OO “Another person”**

- (1) In this Part references to “other” persons are to be interpreted in accordance with subsections (2) to (4).
- (2) A partnership or partners in a partnership may be regarded as a person or persons distinct from the individuals or other persons who are for the time being partners.
- (3) The trustees of settled property may be regarded as persons distinct from the individuals or other persons who are for the time being the trustees.
- (4) Personal representatives may be regarded as persons distinct from the individuals or other persons who are for the time being personal representatives.

**356OP “Arrangement”**

- (1) In this Part “arrangement” (except in the phrase “double taxation arrangements”) includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable).

**Finance Bill, *continued***

- (2) For the purposes of this Part any number of transactions may be regarded as constituting a single arrangement if—
  - (a) a common purpose can be discerned in them, or
  - (b) there is other sufficient evidence of a common purpose.

**356OQ “Disposal”**

- (1) In this Part references to a “disposal” of any property include any case in which the property is effectively disposed of (whether wholly or in part, as mentioned in subsection (2))—
  - (a) by one or more transactions, or
  - (b) by any arrangement.
- (2) For the purposes of this Part—
  - (a) references to a disposal of land or any other property include a part disposal of the property, and
  - (b) there is a part disposal of property (“the asset”) where on a person making a disposal, any form of property derived from the asset remains undisposed of (including in cases where an interest or right in or over the asset is created by the disposal, as well as where it subsists before the disposal).

**356OR “Land” and related expressions**

- (1) In this Part “land” includes—
  - (a) buildings and structures,
  - (b) any estate, interest or right in or over land, and
  - (c) land under the sea or otherwise covered by water.
- (2) In this Part references to property deriving its value from land include—
  - (a) any shareholding in a company deriving its value directly or indirectly from land,
  - (b) any partnership interest deriving its value directly or indirectly from land,
  - (c) any interest in settled property deriving its value directly or indirectly from land, and
  - (d) any option, consent or embargo affecting the disposition of land.

**356OS References to realising a gain**

- (1) For the purposes of sections 356OB(1) and 356OD(1) it does not matter whether the person (“P”) realising the profit or gain in question realises it for P or another person.
- (2) For the purposes of subsection (1), if, for example by a premature sale, a person (“A”) directly or indirectly transmits the opportunity of realising a profit or gain to another person (“B”), A realises B’s profit or gain for B.

**356OT Related parties**

- (1) For the purposes of this Part a person (“A”) is related to another person (“B”)—
  - (a) throughout any period for which A and B are consolidated for accounting purposes,
  - (b) on any day on which the participation condition is met in relation to them, or

**Finance Bill, *continued***

- (c) on any day on which the 25% investment condition is met in relation to them.
- (2) A and B are consolidated for accounting purposes for a period if—
  - (a) their financial results for a period are required to be comprised in group accounts,
  - (b) their financial results for the period would be required to be comprised in group accounts but for the application of an exemption, or
  - (c) their financial results for a period are in fact comprised in group accounts.
- (3) In subsection (2) “group accounts” means accounts prepared under—
  - (a) section 399 of the Companies Act 2006, or
  - (b) any corresponding provision of the law of a territory outside the United Kingdom.
- (4) The participation condition is met in relation to A and B (“the relevant parties”) on a day if, within the period of 6 months beginning with that day—
  - (a) one of the relevant parties directly or indirectly participates in the management, control or capital of the other, or
  - (b) the same person or persons directly or indirectly participate in the management, control or capital of each of the relevant parties.
- (5) The 25% investment condition is met in relation to A and B if—
  - (a) one of them has a 25% investment in the other, or
  - (b) a third person has a 25% investment in each of them.
- (6) Section 259NC of TIOPA 2010 applies for the purposes of determining whether a person has a “25% investment” in another person for the purposes of this section as it applies for the purposes of section 259NB(2) of that Act.
- (7) In Chapter 2 of Part 4 of TIOPA 2010, sections 157(2), 158(4), 159(2) and 160(2) (which are about the interpretation of references to direct and indirect participation) apply in relation to subsection (4) as they apply in relation to subsection (4) of section 259NA of that Act.”
- (2) In section 1 of CTA 2010 (overview), in subsection (4), omit paragraph (e).
- (3) In section 481 of CTA 2010 (exemption from charges under provisions to which section 1173 applies), in subsection (2) omit paragraph (a).
- (4) In CTA 2010 omit Part 18 (transactions in land).
- (5) In section 1173 of CTA 2010 (miscellaneous charges), in Part 2 of the table in subsection (2), omit the entry relating to section 818(1) of CTA 2010.
- (6) In section 14B of TCGA 1992 (meaning of “non-resident CGT disposal”)—
  - (a) in subsection (1) for “subsection (5)” substitute “subsections (5) and (6)”;
  - (b) after subsection (5) insert—
    - “(6) A disposal of a UK residential property interest is not a non-resident CGT disposal if section 356OC(1) of CTA 2010 (gains etc on certain disposals treated as trading profits for corporation tax purposes) or section 517C of ITA 2007 (gains etc on certain disposals treated as trading profits for income tax purposes) applies in relation to it.”

**Finance Bill, continued**

- (7) In section 37 of TCGA 1992 (consideration chargeable to tax on income), in subsection (5A)(a), for the words from “821(3)” to “not” substitute “356OG(4) or (6) of CTA 2010 (transactions in land: the chargeable company) applies, an amount is charged to corporation tax as profits of a person other than”.
- (8) In section 39 of TCGA 1992 (exclusion of expenditure by reference to tax on income), in subsection (5)(a), for the words from “821(3)” to “not” substitute “356OG(4) or (6) of CTA 2010 (transactions in land: the chargeable company) applies, an amount is charged to corporation tax as profits of a person other than”.
- (9) In section 161 of TCGA 1992 (appropriations to and from stock), in subsection (6), for paragraph (a) substitute—
  - “(a) any person is charged to corporation tax by virtue of sections 356OB and 356OC of CTA 2010 (certain profits or gains on a disposal of land treated as trading profits) on the realisation of a profit or gain because the condition in section 356OB(7) of that Act is met, and”.
- (10) In section 188A of TCGA 1992 (election for pooling), in subsection (4), at the end insert “or section 14B(6) (gains on certain disposals treated as trading profits)”.

Mr David Gauke

*Added* **NC13**

To move the following Clause—

**“Income tax: territorial scope etc**

- (1) In section 6 of ITTOIA 2005 (territorial scope of charge to tax)—
  - (a) after subsection (1) insert—
    - “(1A) Profits of a trade of dealing in or developing UK land arising to a non-UK resident are chargeable to tax under this Chapter wherever the trade is carried on.”;
  - (b) in subsection (2), after “Profits of a trade” insert “other than a trade of dealing in or developing UK land”.
- (2) After section 6 of ITTOIA 2005 insert—

**“6A Arrangements for avoiding tax**

- (1) Subsection (3) applies if a person has entered into an arrangement the main purpose or one of the main purposes of which is to obtain a relevant tax advantage for the person.
- (2) In subsection (1) the reference to obtaining a relevant tax advantage includes obtaining a relevant tax advantage by virtue of any provisions of double taxation arrangements, but only in a case where the relevant tax advantage is contrary to the object and purpose of the provisions of the double taxation arrangements (and subsection (3) has effect accordingly, regardless of anything in section 6(1) of TIOPA 2010).
- (3) The relevant tax advantage is to be counteracted by means of adjustments.
- (4) For this purpose adjustments may be made (whether by an officer of Revenue and Customs or by the company) by way of an assessment, the



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**Finance Bill, *continued***

modification of an assessment, amendment or disallowance of a claim, or otherwise.

- (5) In this section “relevant tax advantage” means a tax advantage in relation to income tax to which the company is chargeable (or would without the tax advantage be chargeable) by virtue of section 6(1A).
- (6) In this section “tax advantage” includes—
  - (a) a relief or increased relief from tax,
  - (b) repayment or increased repayment of tax,
  - (c) avoidance or reduction of a charge to tax or an assessment to tax,
  - (d) avoidance of a possible assessment to tax,
  - (e) deferral of a payment of tax or advancement of a repayment of tax, and
  - (f) avoidance of an obligation to deduct or account for tax,
- (7) In this section—
  - “arrangement” (except in the phrase “double taxation arrangements”) includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable;
  - “double taxation arrangements” means arrangements which have effect under section 2(1) of TIOPA 2010 (double taxation relief by agreement with territories outside the United Kingdom).

**6B Trade of dealing in or developing UK land**

- (1) A non-UK resident person’s “trade of dealing in or developing UK land” consists of—
  - (a) any activities falling within subsection (2) which the person carries on, and
  - (b) any activities from which profits arise which are treated under Part 9A of ITA 2007 as profits of the person’s trade of dealing in or developing UK land.
- (2) The activities within this subsection are—
  - (a) dealing in UK land;
  - (b) developing UK land for the purpose of disposing of it.
- (3) In this section “land” includes—
  - (a) buildings and structures,
  - (b) any estate, interest or right in or over land, and
  - (c) land under the sea or otherwise covered by water.
- (4) In this section—
  - “disposal” is to be interpreted in accordance with section 517R of ITA 2007;
  - “UK land” means land in the United Kingdom.”
- (3) In section 3 of ITTOIA 2005 (overview of Part 2), in subsection (4) for “6(2)” substitute “6(1A), (2)”.
- (4) In section 243 of ITTOIA 2005 (post-cessation receipts: extent of charge to tax), in subsection (4), at the end insert “, other than a person’s trade of dealing in or developing UK land”.

**Finance Bill, continued**

- (5) In section 989 of ITA 2007 (definitions for purposes of Income Tax Acts), at the appropriate place insert—
- ““trade of dealing in or developing UK land”, in relation to a non-UK resident person, has the meaning given by section 6B of ITTOIA 2005.””

Mr David Gauke

*Added* NC14

To move the following Clause—

**“Income tax: transactions in UK land**

- (1) In ITA 2007, after Part 9 insert—

“PART 9A

TRANSACTIONS IN UK LAND

*Introduction*

**517A Overview of Part**

This Part contains provision about the income tax treatment of certain profits and gains realised from disposals concerned with land in the United Kingdom.

*Amounts treated as profits of a trade*

**517B Disposals of land in the United Kingdom**

- (1) Section 517C(1) applies (subject to subsection (3) of that section) if—
- (a) a person within subsection (2)(a), (b) or (c) realises a profit or gain from a disposal of any land in the United Kingdom, and
  - (b) any of conditions A to D is met in relation to the land.
- (2) The persons referred to in subsection (1) are—
- (a) the person acquiring, holding or developing the land,
  - (b) a person who is associated with the person in paragraph (a) at a relevant time, and
  - (c) a person who is a party to, or concerned in, an arrangement within subsection (3).
- (3) An arrangement is within this subsection if—
- (a) it is effected with respect to all or part of the land, and
  - (b) it enables a profit or gain to be realised—
    - (i) by any indirect method, or
    - (ii) by any series of transactions.
- (4) Condition A is that the main purpose, or one of the main purposes, of acquiring the land was to realise a profit or gain from disposing of the land.

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**Finance Bill, *continued***

- (5) Condition B is that the main purpose, or one of the main purposes, of acquiring any property deriving its value from the land was to realise a profit or gain from disposing of the land.
- (6) Condition C is that the land is held as trading stock.
- (7) Condition D is that (in a case where the land has been developed) the main purpose, or one of the main purposes, of developing the land was to realise a profit or gain from disposing of the land when developed.
- (8) In this section “relevant time” means any time in the period beginning when the activities of the project begin and ending 6 months after the disposal mentioned in subsection (1).
- (9) In this section “the project” means all activities carried out for any of the following purposes—
  - (a) the purposes of dealing in or developing the land, and
  - (b) any other purposes mentioned in Conditions A to D.
- (10) For the purposes of this section a person (“A”) is associated with another person (“B”) if—
  - (a) A is connected with B by virtue of any of subsections (2) to (4) of section 993 (read in accordance with section 994), or
  - (b) A is related to B (see section 517U).

**517C Disposals of land: profits treated as trading profits**

- (1) The profit or gain is to be treated for income tax purposes as profits of a trade carried on by the chargeable person.
- (2) If the chargeable person is non-UK resident, that trade is the person’s trade of dealing in or developing UK land (as defined in section 6B of ITTOIA 2005).
- (3) But subsection (1) does not apply to a profit or gain so far as it would (apart from this section) be brought into account as income in calculating profits (of any person)—
  - (a) for income tax purposes, or
  - (b) for corporation tax purposes.
- (4) The profits are treated as arising in the tax year in which the profit or gain is realised.
- (5) This section applies in relation to gains which are capital in nature as it applies in relation to other gains.

**517D Disposals of property deriving its value from land in the United Kingdom**

- (1) Section 517E(1) applies (subject to subsection (3) of that section) if—
  - (a) a person realises a profit or gain from a disposal of any property which (at the time of the disposal) derives at least 50% of its value from land in the United Kingdom,
  - (b) the person is a party to, or concerned in, an arrangement concerning some or all of the land mentioned in paragraph (a) (“the project land”), and
  - (c) the arrangement meets the condition in subsection (2).

**Finance Bill, *continued***

- (2) The condition is that the main purpose, or one of the main purposes, of the arrangement is to—
  - (a) deal in or develop the project land, and
  - (b) realise a profit or gain from a disposal of property deriving the whole or part of its value from that land.

**517E Disposals within section 517D: profits treated as trading profits**

- (1) The relevant amount is to be treated for income tax purposes as profits of a trade carried on by the chargeable person.
- (2) If the chargeable person is non-UK resident, that trade is the chargeable person's trade of dealing in or developing UK land.
- (3) But subsection (1) does not apply to an amount so far as it would (apart from this section) be brought into account as income in calculating profits (of any person)—
  - (a) for income tax purposes, or
  - (b) for corporation tax purposes.
- (4) The profits are treated as arising in the tax year in which the profit or gain is realised.
- (5) In this section the “relevant amount” means so much (if any) of the profit or gain mentioned in section 517D(1) as is attributable, on a just and reasonable apportionment, to the relevant UK assets.
- (6) In this section “the relevant UK assets” means any land in the United Kingdom from which the property mentioned in section 517D(1) derives any of its value (at the time of the disposal mentioned in that subsection).
- (7) This section applies in relation to gains which are capital in nature as it applies in relation to other gains.

**517F Profits and losses**

- (1) Sections 517B to 517E have effect as if they included provision about losses corresponding to the provision they make about profits and gains.
- (2) Accordingly, in the following sections of this Part references to a “profit or gain” include a loss.

*Person to whom profits attributed***517G The chargeable person**

- (1) For the purposes of sections 517C and 517E the general rule is that the “chargeable person” is the person (“P”) that realises the profit or gain (as mentioned in section 517B(1) or 517D(1)).
- (2) The general rule in subsection (1) is subject to the special rules in subsections (4) to (6).
- (3) But those special rules do not apply in relation to a profit or gain to which section 517H(3) (fragmented activities) applies.
- (4) If all or any part of the profit or gain accruing to P is derived from value provided directly or indirectly by another person (“B”), B is the “chargeable person”.

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**Finance Bill, continued**

- (5) Subsection (4) applies whether or not the value is put at the disposal of P.
- (6) If all or any part of the profit or gain accruing to P is derived from an opportunity of realising a profit or gain provided directly or indirectly by another person (“D”), D is “the chargeable person” (unless the case falls within subsection (4)).
- (7) For the meaning of “another person” see section 517P.

*Anti-fragmentation***517H Fragmented activities**

- (1) Subsection (3) applies if—
  - (a) a person (“P”) disposes of any land in the United Kingdom,
  - (b) any of conditions A to D in section 517B is met in relation to the land, and
  - (c) a person (“R”) who is associated with P at a relevant time has made a relevant contribution to activities falling within subsection (2).
- (2) The following activities fall within this subsection—
  - (a) the development of the land,
  - (b) any other activities directed towards realising a profit or gain from the disposal of the land.
- (3) For the purposes of this Part, the profit or gain (if any) realised by P from the disposal is to be taken to be what that profit or gain would be if R were not a distinct person from P (and, accordingly, as if everything done by or in relation to R had been done by or in relation to P).
- (4) Subsection (5) applies to any amount which is paid (directly or indirectly) by R to P for the purposes of meeting or reimbursing the cost of income tax which P is liable to pay as a result of the application of subsection (3) in relation to R and P.
- (5) The amount—
  - (a) is not to be taken into account in calculating profits or losses of either R or P for the purposes of income tax or corporation tax, and
  - (b) is not for any purpose of the Corporation Tax Acts to be regarded as a distribution.
- (6) In subsection (1) “relevant time” means any time in the period beginning when the activities of the project begin and ending 6 months after the disposal.
- (7) For the purposes of this section any contribution made by P to activities falling within subsection (2) is a “relevant contribution” unless the profit made or to be made by P in respect of the contribution is insignificant having regard to the size of the project.
- (8) In this section “contribution” means any kind of contribution, including, for example—
  - (a) the provision of professional or other services, or
  - (b) a financial contribution (including the assumption of a risk).

**Finance Bill, continued**

- (9) For the purposes of this section R is “associated” with P if—
  - (a) R is connected with P by virtue of any of subsections (2) to (4) of section 993 (read in accordance with section 994), or
  - (b) R is related to P (see section 517U).
- (10) In this section “the project” means all activities carried out for any of the following purposes—
  - (a) the purposes of dealing in or developing the land, and
  - (b) any other purposes mentioned in Conditions A to D in section 517B.

*Calculation of profit or gain on disposal***517I Calculation of surplus on a disposal of land**

For the purposes of this Part, the profit or gain (if any) from a disposal of any property is to be calculated according to the principles applicable for calculating the profits of a trade under Part 2 of ITTOIA 2005, subject to any modifications that may be appropriate (and for this purpose the same rules are to apply in calculating losses from a disposal as apply in calculating profits).

**517J Apportionments**

Any apportionment (whether of expenditure, consideration or any other amount) that is required to be made for the purposes of this Part is to be made on a just and reasonable basis.

*Arrangements for avoiding tax***517K Arrangements for avoiding tax**

- (1) Subsection (3) applies if an arrangement has been entered into the main purpose or one of the main purposes of which is to enable a person to obtain a relevant tax advantage.
- (2) In subsection (1) the reference to obtaining a relevant tax advantage includes obtaining a relevant tax advantage by virtue of any provisions of double taxation arrangements, but only in a case where the relevant tax advantage is contrary to the object and purpose of the provisions of the double taxation arrangements (and subsection (3) has effect accordingly, regardless of anything in section 6(1) of TIOPA 2010).
- (3) The tax advantage is to be counteracted by means of adjustments.
- (4) For this purpose adjustments may be made (whether by an officer of Revenue and Customs or by the company) by way of an assessment, the modification of an assessment, amendment or disallowance of a claim, or otherwise.
- (5) In this section “relevant tax advantage” means an advantage in relation to income tax charged (or which would, if the tax advantage were not obtained, be charged) in respect of amounts treated as profits of a trade by virtue of this Part.
- (6) In this section “advantage” includes—
  - (a) a relief or increased relief from tax,
  - (b) repayment or increased repayment of tax,

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**Finance Bill, *continued***

- (c) avoidance or reduction of a charge to tax or an assessment to tax,
- (d) avoidance of a possible assessment to tax,
- (e) deferral of a payment of tax or advancement of a repayment of tax, and
- (f) avoidance of an obligation to deduct or account for tax.

*Exemptions***517L Gain attributable to period before intention to develop formed**

- (1) Subsection (2) applies if—
  - (a) subsection (1) of section 517C applies because Condition D in section 517B is met (land developed with purpose of realising a gain from its disposal when developed), and
  - (b) part of the profit or gain mentioned in that subsection is fairly attributable to a period before the intention to develop was formed.
- (2) Section 517C(1) has effect as if the person mentioned in section 517B(1) had not realised that part of the profit or gain.
- (3) Subsection (4) applies if—
  - (a) section 517E(1) applies, and
  - (b) part of the profit or gain mentioned in section 517E(5) is fairly attributable to a period before the person mentioned in section 517D(1) was a party to, or concerned in, the arrangement in question.
- (4) Section 517E has effect as if the person had not realised that part of the profit or gain.
- (5) In applying this section account must be taken of the treatment under Part 2 of ITTOIA 2005 (trading income) of a person who appropriates land as trading stock.

**517M Private residences**

No liability to income tax arises under this Part in respect of a gain accruing to an individual if—

- (a) the gain is exempt from capital gains tax as a result of sections 222 to 226 of TCGA 1992 (private residences), or
- (b) it would be so exempt but for section 224(3) of that Act (residences acquired partly with a view to making a gain).

*Other supplementary provisions***517N Tracing value**

- (1) This section applies if it is necessary to determine the extent to which the value of any property or right is derived from any other property or right for the purposes of this Part.
- (2) Value may be traced through any number of companies, partnerships, trusts and other entities or arrangements.
- (3) The property held by a company, partnership or trust must be attributed to the shareholders, partners, beneficiaries or other participants at each stage in whatever way is appropriate in the circumstances.

**Finance Bill, continued**

- (4) In this section—
- “partnership” includes an entity established under the law of a country or territory outside the United Kingdom of a similar nature to a partnership; and “partners”, in relation to such arrangements, is to be construed accordingly;
- “trust” includes arrangements—
- (a) which have effect under the law of a country or territory outside the United Kingdom; and
  - (b) under which persons acting in a fiduciary capacity hold and administer property on behalf of other persons,
- and “beneficiaries”, in relation to such arrangements, is to be construed accordingly.

**517O Relevance of transactions, arrangements, etc**

- (1) In determining whether section 517C(1) or 517E(1) applies, account is to be taken of any method, however indirect, by which—
  - (a) any property or right is transferred or transmitted, or
  - (b) the value of any property or right is enhanced or diminished.
- (2) Accordingly—
  - (a) the occasion of the transfer or transmission of any property or right, however indirect, and
  - (b) the occasion when the value of any property or right is enhanced, may be an occasion on which section 517C(1) or 517E(1) applies.
- (3) Subsections (1) and (2) apply in particular—
  - (a) to sales, contracts and other transactions made otherwise than for full consideration or for more than full consideration,
  - (b) to any method by which any property or right, or the control of any property or right, is transferred or transmitted by assigning—
    - (i) share capital or other rights in a company,
    - (ii) rights in a partnership, or
    - (iii) an interest in settled property,
  - (c) to the creation of an option affecting the disposition of any property or right and the giving of consideration for granting it,
  - (d) to the creation of a requirement for consent affecting such a disposition and the giving of consideration for granting it,
  - (e) to the creation of an embargo affecting such a disposition and the giving of consideration for releasing it, and
  - (f) to the disposal of any property or right on the winding up, dissolution or termination of a company, partnership or trust.

*Interpretation***517P “Another person”**

- (1) In this Part references to “other” persons are to be interpreted in accordance with subsections (2) to (4).
- (2) A partnership or partners in a partnership may be regarded as a person or persons distinct from the individuals or other persons who are for the time being partners.



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**Finance Bill, *continued***

- (3) The trustees of settled property may be regarded as persons distinct from the individuals or other persons who are for the time being the trustees.
- (4) Personal representatives may be regarded as persons distinct from the individuals or other persons who are for the time being personal representatives.

**517Q “Arrangement”**

- (1) In this Part “arrangement” (except in the phrase “double taxation arrangements”) includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable.
- (2) For the purposes of this Part any number of transactions may be regarded as constituting a single arrangement if—
  - (a) a common purpose can be discerned in them, or
  - (b) there is other sufficient evidence of a common purpose.

**517R “Disposal”**

- (1) In this Part references to a “disposal” of any property include any case in which the property is effectively disposed of (whether wholly or in part, as mentioned in subsection (2))—
  - (a) by one or more transactions, or
  - (b) by any arrangement.
- (2) For the purposes of this Part—
  - (a) references to a disposal of land or any other property include a part disposal of the property, and
  - (b) there is a part disposal of property (“the asset”) where on a person making a disposal, any form of property derived from the asset remains undisposed of (including in cases where an interest or right in or over the asset is created by the disposal, as well as where it subsists before the disposal).

**517S “Land” and related expressions**

- (1) In this Part “land” includes—
  - (a) buildings and structures,
  - (b) any estate, interest or right in or over land, and
  - (c) land under the sea or otherwise covered by water.
- (2) In this Part references to property deriving its value from land include—
  - (a) any shareholding in a company deriving its value directly or indirectly from land,
  - (b) any partnership interest deriving its value directly or indirectly from land,
  - (c) any interest in settled property deriving its value directly or indirectly from land, and
  - (d) any option, consent or embargo affecting the disposition of land.

**517T References to realising a gain**

- (1) For the purposes of sections 517B(1) and 517D(1) it does not matter whether the person (“P”) realising the profit or gain in question realises it for P or another person.

**Finance Bill, *continued***

- (2) For the purposes of subsection (1), if, for example by a premature sale, a person (“A”) directly or indirectly transmits the opportunity of realising a profit or gain to another person (“B”), A realises B’s profit or gain for B.

**517U Related parties**

- (1) For the purposes of this Part a person (“A”) is related to another person (“B”)—
- (a) throughout any period for which A and B are consolidated for accounting purposes,
  - (b) on any day on which the participation condition is met in relation to them, or
  - (c) on any day on which the 25% investment condition is met in relation to them.
- (2) A and B are consolidated for accounting purposes for a period if—
- (a) their financial results for a period are required to be comprised in group accounts,
  - (b) their financial results for the period would be required to be comprised in group accounts but for the application of an exemption, or
  - (c) their financial results for a period are in fact comprised in group accounts.
- (3) In subsection (2) “group accounts” means accounts prepared under—
- (a) section 399 of the Companies Act 2006, or
  - (b) any corresponding provision of the law of a territory outside the United Kingdom.
- (4) The participation condition is met in relation to A and B (“the relevant parties”) on a day if, within the period of 6 months beginning with that day—
- (a) one of the relevant parties directly or indirectly participates in the management, control or capital of the other, or
  - (b) the same person or persons directly or indirectly participate in the management, control or capital of each of the relevant parties.
- (5) The 25% investment condition is met in relation to A and B if—
- (a) one of them has a 25% investment in the other, or
  - (b) a third person has a 25% investment in each of them.
- (6) Section 259NC of TIOPA 2010 applies for the purposes of determining whether a person has a “25% investment” in another person for the purposes of this section as it applies for the purposes of section 259NB(2) of that Act.
- (7) In Chapter 2 of Part 4 of TIOPA 2010, sections 157(2), 158(4), 159(2) and 160(2) (which are about the interpretation of references to direct and indirect participation) apply in relation to subsection (4) as they apply in relation to subsection (4) of section 259NA of that Act.”

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**Finance Bill, *continued***

- (2) In section 2 of ITA 2007 (overview of Act)—
    - (a) after subsection (9) insert—

“(9A) Part 9A is about the treatment of certain transactions in UK land.”, and
    - (b) in subsection (13), omit paragraph (c).
  - (3) In section 482 of ITA 2007 (types of amount to be charged at special rates for trustees), in the words relating to Type 11, for “Chapter 3 of Part 13 of this Act (tax avoidance: transactions in land)” substitute “Part 9A of this Act (transactions in land)”.
  - (4) In section 527 of ITA 2007 (exemption from charges under provisions to which section 1016 applies), in subsection (2)—
    - (a) insert “and” at the end of paragraph (d), and
    - (b) omit paragraph (e).
  - (5) In Part 13 of ITA 2007, omit Chapter 3 (transactions in land).
  - (6) In section 944 of ITA 2007 (tax avoidance: directions for duty to deduct to apply), in subsection (1)—
    - (a) omit paragraph (a), and
    - (b) in paragraph (b) for “that Part” substitute “Part 13”.
  - (7) In section 1016 of ITA 2007 (table of provisions to which that section applies), in Part 2 of the table in subsection (2), omit the entry relating to Chapter 3 of Part 13 of that Act.
  - (8) In section 37 of TCGA 1992 (consideration chargeable to tax on income), in subsection (5)(a), for the words from “759(4)” to “is” substitute “517G(4) or (6) of ITA 2007 (transactions in land: the chargeable person) applies, an amount is charged to income tax as income of”.
  - (9) In section 39 of TCGA 1992 (exclusion of expenditure by reference to tax on income), in subsection (4)(a), for the words from “759(4)” to “is” substitute “517G(4) or (6) of ITA 2007 (transactions in land: the chargeable person) applies, an amount is charged to income tax as income of”.
  - (10) In section 161 of TCGA 1992 (appropriations to and from stock), in subsection (5), for paragraph (a) substitute—

“(a) any person is charged to income tax by virtue of sections 517B and 517C of CTA 2010 (certain profits or gains on a disposal of land treated as trading profits) on the realisation of a profit or gain because the condition in section 517B(7) of that Act is met, and”.
  - (11) In section 830 of ITTOIA 2005, in subsection (3), for the words from “of” to the end substitute “of—
    - (a) section 844 (unremittable income: income charged on withdrawal of relief after source ceases), or
    - (b) section 517C or 517E of ITA 2007 (profits on certain disposals concerned with land in the United Kingdom treated as trading profits).””
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**Finance Bill, continued**

Mr David Gauke

Added NC15

To move the following Clause—

**“Pre-trading expenses**

- (1) Subsection (2) has effect if—
  - (a) a particular time (“T”) is the time when a company (“C”) is first within the charge to corporation tax by virtue of subsection (2)(a) of section 5 of CTA 2009 (territorial scope of charge),
  - (b) immediately before time T, C was within the charge to corporation tax as a result of carrying on the relevant trade in the United Kingdom through a permanent establishment in the United Kingdom, and
  - (c) expenses which the company has incurred for the purposes of the trade meet the conditions in subsection (3) and (4).

“The relevant trade” means the trade of dealing in or developing UK land mentioned in subsection (2)(a) of section 5 of CTA 2009.
- (2) Section 61 of CTA 2009 (pre-trading expenses) has effect in relation to those expenses as if the company had started to carry on the relevant trade at time T.
- (3) The condition in this subsection is that—
  - (a) no deduction would be allowed for the expenses in calculating the profits of the relevant trade for corporation tax purposes (ignoring subsection (2)), but
  - (b) a deduction would be allowed for them (in accordance with sections 41 and section 61 of CTA 2009) if the company had not been within the charge to corporation tax in respect of the relevant trade immediately before time T.
- (4) The condition in this subsection is that no relief has been obtained for the expenses under the law of any country or territory outside the United Kingdom.

Mr David Gauke

Added NC16

To move the following Clause—

**“Commencement and transitional provision: sections (*Corporation tax: territorial scope etc*), (*Corporation tax: transactions in UK land*) and (*Pre-trading expenses*)**

- (1) The amendments made by sections (*Corporation tax: territorial scope etc*), (*Corporation tax: transactions in UK land*) and (*Pre-trading expenses*) have effect in relation to disposals on or after 5 July 2016.
- (2) In subsection (1) of section 5A of CTA 2009 (tax avoidance in relation to section 5(2A) of that Act) “arrangement” does not include an arrangement (as defined in section 5A(6) of that Act) entered into before 16 March 2016.
- (3) In subsection (1) of section 356OK of CTA 2010 (tax avoidance in relation to Part 8ZB of CTA 2010) “arrangement” does not include an arrangement (as defined in section 356OP of that Act) entered into before 16 March 2016.
- (4) Subsection (6) applies if—
  - (a) a person disposes of a relevant asset to a person who is associated with that person at the relevant time,

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**Finance Bill, continued**

- (b) the disposal is made on or after 16 March 2016 and before 5 July 2016, and
  - (c) a company obtains a relevant tax advantage as a result of the disposal.
- (5) In subsection (4) the reference to obtaining a relevant tax advantage includes obtaining a relevant tax advantage by virtue of any provisions of double taxation arrangements, but only in a case where the relevant tax advantage is contrary to the object and purpose of the provisions of the double taxation arrangements (and subsection (6) has effect accordingly, regardless of anything in section 6(1) of TIOPA 2010).
- (6) The tax advantage is to be counteracted by means of adjustments.
- (7) Adjustments for the purposes of subsection (6) may be made (whether by an officer of Revenue and Customs or by the company) by way of an assessment, the modification of an assessment, amendment or disallowance of a claim, or otherwise.
- (8) In subsection (4)(c) “relevant tax advantage” means a tax advantage in relation to tax to which the company in question is charged or chargeable (or would, if the tax advantage were not obtained, be charged or chargeable)—
- (a) by virtue of section 5(2A) of CTA 2009, or
  - (b) in respect of amounts treated as profits of a trade by virtue of Part 8ZB of CTA 2010.
- (9) For the purposes of this section, where any property is disposed of under a contract, the time at which the disposal is made is the time the contract is made (and not, if different, the time at which the property is conveyed or transferred).
- (10) In subsection (9) “contract” includes a conditional contract.
- (11) In this section—
- “arrangement” includes any scheme, agreement or understanding (whether or not legally enforceable);
  - “disposal” is to be interpreted in accordance with section 356OQ of CTA 2010;
  - “relevant asset” means land, or property deriving the whole or part of its value from land;
  - “tax advantage” has the meaning given by section 1139 of CTA 2010.
- (12) For the purposes of this section a person (“A”) is “associated” with another person (“B”) if—
- (a) A is connected with B by virtue of any of subsections (5) to (7) of section 1122 of CTA 2010 (read in accordance with section 1123 of that Act), or
  - (b) A is related to B.
- (13) In subsection (12) “related to” is to be interpreted in accordance with section 356OT of CTA 2010.
- (14) In subsection (4) “the relevant time”—
- (a) in a case within subsection (8)(a), means the time of the disposal mentioned in subsection (4)(a).
  - (b) in a case within subsection (8)(b), means any time in the period beginning when the activities of the project began and ending 6 months after the disposal mentioned in section 356OB(1) or 356OD(1) of CTA 2010.
- (15) In subsection (14) “the project” means (as the case requires) the project described in section 356OB(9) of CTA 2010 or the activities mentioned in section 356OD(2)(a) of that Act.
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Finance Bill, *continued*

Mr David Gauke

*Added NC17*

To move the following Clause—

**“Commencement and transitional provision: sections (*Income tax: transactions in UK land*) and (*Income tax: territorial scope etc*)**

- (1) The amendments made by sections (*Income tax: transactions in UK land*) and (*Income tax: territorial scope etc*) have effect in relation to disposals on or after 5 July 2016.
- (2) In subsection (1) of section 6A of ITA 2007 (tax avoidance arrangements in relation to section 6(1A) of that Act) “arrangement” does not include an arrangement (as defined in section 6A(7) of that Act) entered into before 16 March 2016.
- (3) In subsection (1) of section 517K of ITA 2007 (tax avoidance in relation to Part 9A of that Act) “arrangement” does not include an arrangement (as defined in section 517Q of that Act) entered into before 16 March 2016.
- (4) Subsection (6) applies if—
  - (a) a person disposes of a relevant asset to a person who is associated with that person at the relevant time,
  - (b) the disposal is made on or after 16 March 2016 and before 5 July 2016, and
  - (c) a person obtains a relevant tax advantage as a result of the disposal.
- (5) In subsection (4) the reference to obtaining a relevant tax advantage includes obtaining a relevant tax advantage by virtue of any provisions of double taxation arrangements, but only in a case where the relevant tax advantage is contrary to the object and purpose of the provisions of the double taxation arrangements (and subsection (6) has effect accordingly, regardless of anything in section 6(1) of TIOPA 2010).
- (6) The tax advantage is to be counteracted by means of adjustments.
- (7) Adjustments for the purposes of subsection (6) may be made (whether by an officer of Revenue and Customs or by the company) by way of an assessment, the modification of an assessment, amendment or disallowance of a claim, or otherwise.
- (8) In subsection (4)(c) “relevant tax advantage” means a tax advantage in relation to tax to which the person in question is charged or chargeable (or would, if the tax advantage were not obtained, be charged or chargeable)—
  - (a) by virtue of section 6(1A) of ITTOIA 2005, or
  - (b) in respect of amounts treated as profits of a trade by virtue of Part 9A of ITA 2007.
- (9) For the purposes of this section, where any property is disposed of under a contract, the time at which the disposal is made is the time the contract is made (and not, if different, the time at which the property is conveyed or transferred).
- (10) In subsection (9) “contract” includes a conditional contract.
- (11) In this section—
  - “arrangement” includes any scheme, agreement or understanding (whether or not legally enforceable);
  - “disposal” is to be interpreted in accordance with section 517R of ITA2007;
  - “relevant asset” means land, or property deriving the whole or part of its value from land;
  - “tax advantage” has the same meaning as in section 6A of ITTOIA 2005.

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**Finance Bill, continued**

- (12) For the purposes of this section a person (“A”) is “associated” with another person (“B”) if—
- (a) A is connected with B by virtue of any of subsections (2) to (4) of section 993 of ITA 2007 (read in accordance with section 994 of that Act), or
  - (b) A is related to B.
- (13) In subsection (12) “related to” is to be interpreted in accordance with section 517U of ITA 2007.
- (14) In subsection (4), “the relevant time”—
- (a) in a case within subsection (8)(a), means the time when the disposal was made,
  - (b) in a case within subsection (8)(b), means any time in the period beginning when the activities of the project began and ending 6 months after the disposal mentioned in section 517B(1) or 517D(1) of ITA 2007.
- (15) In subsection (14) “the project” means (as the case requires) the project described in section 517B(9) of ITA 2007 or the activities mentioned in section 517D(2)(a) of that Act.”

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Roger Mullin

*Withdrawn* NC1

To move the following Clause—

**“VAT treatment of the Scottish Police Authority and the Scottish Fire and Rescue Service**

The Chancellor of the Exchequer must commission a review of the VAT treatment of the Scottish Police Authority and the Scottish Fire and Rescue Service, including but not limited to an analysis of the impact on the financial position of Police Scotland and the Scottish Fire and Rescue Service arising from their VAT treatment and an estimate of the change to their financial position were they eligible for a refund of VAT under section 33 of the VAT Act 1994, and must publish the report of the review within six months of the passing of this Act.”

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Roger Mullin

*Not called* NC2

To move the following Clause—

**“Review of the Apprenticeship Levy**

The provisions of this Act relating to the Apprenticeship Levy shall not come into force until the Chancellor of the Exchequer has laid before Parliament a report on how the levy will be implemented, including but not limited to information on how equitable treatment of the different parts of the UK will be assured in its implementation.”

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**Finance Bill, continued**

Roger Mullin

*Not called* NC3

To move the following Clause—

**“Corporation tax treatment of the oil and gas industry**

The Chancellor of the Exchequer shall, within six months of the passing of this Act, commission a comprehensive review of the corporation tax rates and investment allowances applicable to companies producing oil and gas in the UK or on the UK continental shelf, and publish the report of the review.”

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Roger Mullin

*Negated on division* NC4

To move the following Clause—

**“Fuel duty regulator regime**

The Chancellor of the Exchequer shall undertake a review of fuel duty to establish the form of fuel duty regulator regime which would best ensure stability of pricing, and report to Parliament within six months of the passing of this Act.”

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Roger Mullin

*Withdrawn* NC5

To move the following Clause—

**“Taxation of allowances payable to members of the House of Lords**

The Chancellor of the Exchequer shall undertake a review of the tax-free status of allowances payable to members of the House of Lords and report to Parliament within six months of the passing of this Act.”

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Roger Mullin

*Negated on division* NC6

To move the following Clause—

**“Oil and gas: decommissioning contracts**

- (1) The Chancellor of the Exchequer shall commission a review of the ways in which the tax regime could be changed to increase the competitiveness of UK-registered companies in bidding for supply chain contracts associated with the decommissioning of oil and gas infrastructure.
- (2) In undertaking the review, the Chancellor shall consult the Department for Business, Innovation and Skills, the Oil and Gas Authority; Scottish Ministers; and any other stakeholders that the Chancellor thinks appropriate.



**Finance Bill, *continued***

- (3) The Chancellor shall report to Parliament on the results of his review within six months of the passing of this Act.”

*Bill, as amended, to be reported.*

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